

JULY 19, 2005 AGENDA REPORTS

Agenda Item No. 12

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0684

TO: Mayor and City Council

SUBJECT: Southeast Water Booster Pump Station Agreement (District III)

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the Agreement for the design of the Southeast Water Booster Pump Station with Burns & McDonnell Engineering.

Background: The 1999 Water Master Plan identified potential water pressure problems in parts of southeast Wichita. Areas identified were in the southeast water distribution system and in the future growth areas of southeast Sedgwick County, as identified by the Metropolitan Area Planning Department (MAPD).

Analysis: A Water Master Plan Update was approved by City Council on April 8, 2003. In the process of updating the water distribution water model and analyzing the water distribution system, which includes the latest growth predictions by MAPD, the Water Master Plan recommended a new booster pump station facility. The recommendation is to locate the pump station near the existing 20-inch water main in Harry between Woodlawn and Rock Road.

The Staff Screening and Selection Committee met on May 10, 2005, selecting Burns & McDonnell Consultant Engineers for the design of the Southeast Water Booster Pump Station.

Financial Considerations: On April 5, 2005, the City Council approved project expenditures for the Southeast Booster Pump Station (CIP W-537) and to fund the project from future revenue bond issues and/or Water Utility revenues and reserves. The Agreement with Burns & McDonnell Consultant Engineers for the design is not to exceed \$275,083.

Legal Considerations: The Law Department has reviewed the Agreement and approved it as to form.

Recommendations/Actions: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item No. 13a

CITY OF WICHITA
City Council Meeting
July 19, 2005

Agenda Report No. 05-0685

TO: Mayor and City Council Members

SUBJECT: Acquisition of a portion of 5962 South Hydraulic: Hydraulic Improvement Project (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. Continuing the improvement south from 57th Street South to 63rd Street South will provide an improved transportation corridor to Wichita's south city limits. On December 14, 2004, the City Council approved the widening of Hydraulic between 57th Street South and 63rd Street South. The project will widen Hydraulic to four lanes, install a storm water drainage system and sidewalks. This project requires the partial acquisition of three tracts. The second of three tracts is a portion of 5962 South Hydraulic, owned by Frederick Rice, Carl and Melissa Losey. The property consists of 10 acres and is improved with a 1,844 square foot, single family residence.

Analysis: The acquisition of will require 4,178 square foot strip of land adjacent to Hydraulic. The parcel was appraised at \$4,715. After the project, the house will be approximately twenty feet from Hydraulic. The appraiser included no compensation for this increased proximity to Hydraulic. The owner feels that a fence would mitigate this damage. The cost of a fence is \$9,800. An offer of \$14,515 for the land and proximity damages has been accepted by the owner.

Financial Considerations: The funding source for the City share is General Obligation Bonds. A budget of \$14,815 is requested. This includes \$14,515 for the acquisition, and \$300 for closing costs and title insurance.

Legal Considerations: The Law Department has approved the contracts as to form.

Recommendation/Action: It is recommended that the City Council: 1) Approve the budget; 2) Approve the Real Estate Purchase Contracts; and 3) Authorize all necessary signatures.

Agenda Item No. 13b

CITY OF WICHITA

City Council Meeting
July 19, 2005

Agenda Report No. 05-0686

TO: Mayor and City Council Members

SUBJECT: Acquisition of 2348 South Victoria Street for Pawnee Widening
Improvement Project from Washington to Hydraulic (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. One of the 15 required residential acquisitions is a 750 square foot single-family residence at 2348 South Victoria Street. The property is frame construction with two bedrooms and one bath. The property is a rental unit and is vacant at this time.

Analysis: The property was appraised at \$47,500. In addition, the owner is entitled to up to \$12,500 for business relocation. The owner has agreed to accept \$57,500 for acquisition and relocation. The improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

Financial Considerations: The funding source for the project is General Obligation bonds and Federal monies. A budget of \$63,500 is requested. This includes \$57,500 for the acquisition and relocation, \$5,000 for demolition, and \$1,000 for title work and closing costs.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that 1) The City Council approve the budget and 2) Authorize all necessary signatures.

Agenda Item No. 13c

CITY OF WICHITA
City Council Meeting
July 19, 2005

Agenda Report No. 05-0687

TO: Mayor and City Council Members

SUBJECT: Acquisition of 2351 South Ellis Street for Pawnee Widening Improvement Project from Washington to Hydraulic (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. One of the residential acquisitions is a 816 square foot single-family residence at 2351 South Ellis Street. The property is frame construction with two bedrooms and one bath. The property is a rental unit and is currently rented.

Analysis: The property was appraised for \$57,500. In addition, the owner is entitled to up to \$12,500 for business relocation. The owner has agreed to accept \$65,000 for the property and relocation. The improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

Financial Considerations: The funding source for the project is General Obligation bonds and Federal monies. A budget of \$80,500 is requested. This includes \$65,500 for the acquisition, \$10,000 for tenant relocation, \$5,000 for demolition and \$500 for title work and closing costs.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that 1) The City Council approve the budget and 2) Authorize all necessary signatures.

Agenda Item No. 14

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0688

TO: Mayor and City Council Members

SUBJECT: 2005 Street Rehabilitation Program (Districts I, II, IV & VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the project.

Background: The 2005 Capital Improvement Program includes a project to rehabilitate major streets.

Analysis: The locations to be repaired in 2005 are: 37th St. North, between Seneca and Womer; 21st. St. North, between Greenwich and K-96 Expressway; Meridian, between 43rd St. South and 47th St. South; and Hydraulic between 37th St. North and a point 1/3 mile north of 37th St. North.

Financial Considerations: The project budget is \$400,000. The funding source is General Obligation Bonds.

Legal Considerations: The Law Department has approved the authorizing Ordinance as to legal form.

Recommendation/Action: It is recommended that the City Council approve the project and place the Ordinance on First Reading.

Agenda Item No. 15

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0689

TO: Mayor and City Council Members

SUBJECT: 29th St. North Improvement, from ½ Mile East of Ridge to Hoover
(District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Cancel the construction project, as currently funded.

Background: The 2004-2013 Capital Improvement Program adopted by the City Council includes a \$400,000 project to improve 29th St. North, from ½ mile east of Ridge to Hoover. It was originally envisioned that the improvement would consist of placing an asphalt mat on the existing surface, with little drainage work. On May 20, 2003 the City Council approved a contract with Certified Engineering Design, consultant engineers, to prepare preliminary engineering plans. On May 2, 2005 and June 6, 2005, District V Advisory Board sponsored neighborhood hearings on the project. The Board voted 9-0 to recommend that the project, as now envisioned, be reprogrammed in the CIP at a later time to include a design more compatible with the remainder of the 29th St. North improvements.

Analysis: Staff has no objections to the DAB recommendations and will reprogram the project if that is the Council's desire. However, during the original design, we did ask Certified Engineering Design to perform additional work that was in addition to their original scope. The attached Supplemental Agreement will authorize payment for this additional work.

Financial Considerations: The supplemental design agreement amount is \$9,500. Funding is available within the existing design budget. The funding source is General Obligation Bonds.

Legal Considerations: The Department of Law has approved the supplemental design agreement as to legal form.

Recommendation/Action: It is recommended that the City Council cancel the project to improve 29th Street North, from ½ mile east of Ridge to Hoover and approve the supplemental design agreement.

SUPPLEMENTAL AGREEMENT TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED MAY 20, 2003

BETWEEN THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY" AND CERTIFIED ENGINEERING DESIGN, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER" WITNESSETH:

WHEREAS, there now exists a Contract (dated May 20, 2003) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of 29TH STREET NORTH FROM RIDGE TO WEST STREET (472 83753).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

PLAN REVISIONS – remove portion of the project from Hoover to West Street.
(Project No. 472 83753, OCA No. 706855)

B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee amount of \$9,500.00.

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by _____;

EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions of inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2005.

CITY OF WICHITA

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

CERTIFIED ENGINEERING DESIGN, P.A.

(Name and Title)

ATTEST:

Agenda Item No. 16

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0690

TO: Mayor and City Council

SUBJECT: Home Rule Bonding Ordinance for Arena Neighborhood Redevelopment Plan

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve the ordinance.

Background: On June 21, 2005, the City Council approved the selection of Gould Evans to undertake preparation of the Arena Neighborhood Redevelopment Plan and authorized staff to negotiate a not-to-exceed contract of \$250,000 to perform the work. The City is partnering with Sedgwick County, as the developer of the arena, and with the Wichita Downtown Development Corporation in formulating the arena redevelopment plan. The consultant will work with these key members as well as stakeholders, residents, landowners and business representatives to build consensus in the development of the Arena Neighborhood Redevelopment Plan.

Analysis: The Department of Law requires the approval of a home rule bonding ordinance to be eligible to issue debt for the cost of the Arena Neighborhood Redevelopment project. Bond counsel has drafted the required home rule ordinance.

Financial Considerations: Funding for this project has been identified in the 2005-2014 Capital Improvement Program.

Legal Considerations: A home rule bonding ordinance is being utilized for the Arena Neighborhood Redevelopment study. The ordinance has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the home rule bonding ordinance for the Arena Neighborhood Redevelopment Plan and place the ordinance on first reading.

(Published in The Wichita Eagle on July, ___, 2005.)

ORDINANCE NO. ()

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS AUTHORIZING THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS TO PAY THE COSTS OF PREPARATION OF

AN ARENA NEIGHBORHOOD REDEVELOPMENT PLAN; AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES OF THE CITY FROM TIME TO TIME AS FUNDS ARE NEEDED FOR SUCH PURPOSE.

WHEREAS, Article 12, Section 5 of the Kansas Constitution empowers cities to determine their local affairs and government; and

WHEREAS, the City of Wichita, Kansas (the "City") desires to promote, stimulate and develop the general economic welfare and prosperity of the City and its environs, to provide for commercial development and employment opportunities for its citizens and for the citizens of Sedgwick County, Kansas, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, Sedgwick County, Kansas is developing an arena facility in downtown Wichita within the area bounded by South Main Street on the west, the central rail corridor on the east, the Kellogg freeway on the south and East Douglas Street on the north (the "Arena Redevelopment Area"); and

WHEREAS, the Governing Body of the City has found and determined that it is necessary and desirable, and in the interest and for the general economic welfare of the City and its inhabitants, that the City partner with Sedgwick County, as the developer of the arena, and with the Wichita Downtown Development Corporation in formulating a strategy for the redevelopment of the Arena Redevelopment Area; and

WHEREAS, the Governing Body of the City hereby finds and determines that concurrent with Sedgwick County's initiative to site, design and construct a new arena within the Arena Redevelopment Area, it is necessary and desirable and in the interest and for the general economic welfare of the City and its inhabitants, that the City undertake the preparation of an Arena Neighborhood Redevelopment Plan; and

WHEREAS, under the authority of Article 12, Section 5 of the Kansas Constitution, the Governing Body of the City hereby further finds and determines that it is necessary and desirable and in the interest and for the general economic welfare of the City and its inhabitants, that general obligation bonds of the City in an amount not to exceed \$250,000 (the "Bonds"), exclusive of the cost of interest on borrowed money, be authorized and issued for the purpose of paying costs associated with the preparation of an Arena Neighborhood Redevelopment Plan, said Bonds to be issued in accordance with the provisions of K.S.A. 10-101 et seq., as amended and supplemented.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The Governing Body hereby finds and determines that it is necessary and desirable to authorize the issuance of general obligation bonds under the authority of Article 12, Section 5 of the Kansas Constitution in an amount not to exceed \$250,000, for the purpose of paying costs associated with the preparation of an Arena Neighborhood Redevelopment Plan (the "Project"). Such Bonds shall be sold and delivered in accordance with the provisions of K.S.A.

10-101 et seq., as amended and supplemented.

SECTION 2. It is hereby further authorized, ordered and directed that in order to temporarily finance the costs of the Project prior to the completion thereof and until issuance of the Bonds as hereinbefore provided, there shall be issued temporary improvement notes (the "Notes"), the aggregate amount of which shall not exceed the sum of \$250,000, such Notes to be issued from time to time upon subsequent ordinance of the City which shall provide and set forth the details of the Notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates thereof. Such Notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly completion of the Project. Any Notes issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 10-123, as amended and supplemented, and Article 12, Section 5 of the Kansas Constitution, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123, as amended and supplemented; and said Notes may be issued in combination with any other temporary notes being issued by the City as shall be determined by the Governing Body at the time of such issuance to be in the City's best interests.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City paper.

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PASSED AND APPROVED by the governing body of the City of Wichita, Kansas this _____ day of _____, 2005.

Carlos Mayans, Mayor

Attest:

Karen Sublett, City Clerk
(Seal)

Approved as to Form:

Gary E. Rebenstorf, Director of Law

Agenda Item No. 17

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0691

TO: Mayor and City Council

SUBJECT: Contingency Fund Use for Convention & Visitors Bureau

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the allocation.

Background: In an effort to make it possible to bring different conventions and events to Wichita, City Council established a "Convention Promotion Contingency" as part of the Tourism and Convention Fund in the annual budget. This allocation is funded from the transient guest tax. It is earmarked to fund special activities as deemed appropriate by the Greater Wichita Convention and Visitors Bureau to approach City Council for approval. The dollar amounts for each event reflects committed financial support of that event. The GWCVB is requesting funds to sponsor a variety of events outlined below:

National Square Dancers	\$2,000
Ad Valorem Taxation Conference	\$1,500
Midwest Catholic Family Conference	\$2,000
Preferred Health Systems Wichita Open	\$6,000
American Collegiate Hockey Association	\$35,000
TOTAL CONTINGENCY REQUEST	\$50,500

The largest share of the money is the hosting fees of the recently announced American Collegiate Hockey Association. The dollar amount requested fulfills the commitments to pay the facility rental fees for Ice Sports Wichita (\$28,000) and pay referees (\$7,000). This National Showcase Tournament is a Division III combined tournament with eight Men's teams and eight Women's teams. It is expected to attract 2,000 spectators. The estimated economic impact is \$1.5 million.

Analysis: It is anticipated that these investments will be paid back through the transient guest tax fund and through their attendees spending money in the community at area retail, dining and entertainment facilities.

Financial Considerations: The 2005 Adopted Budget has \$100,000 in this fund. Therefore, there is enough money to grant these requests.

Legal Considerations: There are no legal considerations.

Recommendations/Actions: It is recommended that the City Council approve allocation from the contingency fund with the Convention and Tourism Bureau.

Agenda Item No. 17a

(Information for this will be forwarded on Monday, July 18, 2005.)

Agenda Item No. 19

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0692

TO: Mayor and City Council

SUBJECT: Abatement of Dangerous & Unsafe Structures (Districts I, II, III, V & VI)

INITIATED BY: Office of Central Inspection

AGENDA: Unfinished Business

Recommendation: Approve the assessments and ordinance.

Background: The Office of Central Inspection (OCI) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or secure private property that is in violation of Housing and Building Code standards, after proper notification of the responsible party/parties. A private contractor performs the work, and the Office of Central Inspection bills the cost to the property owner.

Note: This item was deferred from the July 12, 2005 City Council Consent Agenda at the request of Council Member Skelton so that the attached listing of properties and assessment amounts could be provided.

Analysis: State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and OCI is requesting permission for the Department of Finance to process the necessary special assessments.

Financial Considerations: Statements of Charges will be mailed to the property owners on July 29, 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2005 bonds sold. The principal and interest will then be spread for 1-year and placed on the 2005 tax roll.

Legal Considerations: The assessments are in accordance with City Code 18.16.070, 18.16.080 and 18.16.090.

Recommendations/Actions: It is recommended that the City Council approve the proposed assessments and place the ordinance on first reading.

Property List – Special Assessments

Office of Central Inspection

620 N. Goebel #4	emergency board-up	\$126.55	District II
1626 N. Oliver	emergency board-up	\$84.63	District I
2728 N. Iva	emergency board-up	\$99.09	District I
2607 N. Lorraine	emergency board-up	\$98.65	District I
1450 N. Green	emergency board-up	\$135.28	District I
1123 N. Spruce	emergency board-up	\$76.00	District I
1149 N. Market	emergency board-up	\$93.80	District VI
221 N. Spruce	emergency board-up	\$233.85	District I
2560 S. Roosevelt	demolition (condemnation)	\$9,860.30	District III
4460 E. Boston	demolition (condemnation)	\$4,400.80	District III
2560 S. Roosevelt	gas service disconnect (demo)	\$151.50	District III
1318 N. Piatt	emergency board-up	\$997.72	District I
1312 N. Piatt	emergency board-up	\$834.26	District I
2524 E. Mossman	demolition (condemnation)	\$3,934.13	District I
309 E. Lincoln	demolition (condemnation)	\$20,394.18	District I
426 N. Ash	demolition (condemnation)	\$3,198.74	District I
2626 N. Madison	demolition (condemnation)	\$8,403.76	District I
1535 E. Pawnee	demolition (condemnation)	\$5,500.00	District III
9531 W. Shade	emergency demolition	\$12,428.10	District V
406 N. Terrace	emergency board-up	\$130.55	District II
4911 E. Elm	emergency board-up	\$99.37	District I
916 N. Harding	emergency board-up	\$75.59	District I
1904 S. Ellis – rear	emergency board-up	\$198.76	District I
826 S. Longfellow	emergency board-up	\$120.25	District II
747 N. Sheridan	demolition (condemnation)	\$752.00	District VI
2311 N. Piatt	demolition (condemnation)	\$5,753.06	District I
1535 N. Emporia	emergency board-up	\$87.04	District VI
2402 W. 29th St. N.	emergency board-up	\$117.76	District VI
772 N. St. Paul	emergency board-up	\$64.26	District VI
1557 N. Oliver	emergency board-up	\$50.13	District I
1817 N. Ash	emergency board-up	\$123.45	District I
1612 N. Kansas	emergency board-up	\$87.81	District I
1513 N. Grove	emergency board-up	\$131.71	District I
Total		\$78,843.08	

Agenda Item No. 20

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0693

TO: Mayor and City Council

SUBJECT: 2006 Annual Operating Budget and 2005 Budget Revisions

INITIATED BY: Department of Finance

AGENDA: New Business

Recommendations: Set public hearing, authorize notice, and place the ordinances on first reading.

Background: The City Council has received the City Manager's Proposed 2006/2007 Budget (including tax increment financing districts). The Council is receiving public comment at its weekly Council meetings.

Analysis: The proposed 2006 annual operating budget is \$462,487,058 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$562,445,038. The inclusion of expendable trust funds, as required by law, is an additional \$55,251,660 for a total of \$617,696,698. The estimated mill levy for this budget would be 31.828 mills, no change from the levy for the current 2005 Adopted Budget.

The General Fund property tax levy is \$58,364,900 (including a delinquency allowance) at an estimated 21.828 mills. The levy for the Debt Service Fund is \$26,738,550 (including a delinquency allowance) and is estimated at 10.000 mills.

There are a total of seven TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and five economic TIFs (East Bank, Old Town, 21st & Grove, Central & Hillside, and Old Town Cinema). The combined resources of the seven TIF Funds is \$13,972,870, of which \$6,168,660 is derived from property tax increments.

The SSMID Fund is included in the proposed budget assuming a –0.21% increase in assessed valuation. Assuming a mill levy rate of 5.950 mills and a delinquency factor of 3%, the new valuation projections would result in \$572,230 revenue net of delinquency in fiscal year 2006 (2005 taxes levied). Factoring revenue from prior year delinquencies (\$26,060) and motor vehicle tax revenue (\$16,500) results in a total of \$614,790.

The dollar amounts, after they are set in the published notice of hearings on the proposed budget, cannot be exceeded, although the City Council may determine subsequently to reduce the mill rate. Formal hearing and adoption of the budget is scheduled for August 9th. If subsequent actions result in an increase to the budget, a process of republication, hearings and certification will be required.

In addition to action on the 2006 Budget, it is requested that action be taken to amend the 2005 Adopted Budget – as contained in the proposed budget submitted to the City Council:

1. The Economic Development Fund increase of \$3,829,890 is due primarily to the \$3.5 million funding for affordable air service (\$2.5 million from the City and \$1 million from the County).

2. The Old Town Cinema Tax Increment Financing Fund increase of \$381,280 is due to additional revenues received, which will be used to pay debt service on improvements in the TIF area.

Financial Considerations: Publication of the notice of formal hearing will set the maximum dollars that may be expended in each fund. The City Council may subsequently reduce expenditures required (and proposed tax dollars to be levied) but not increase them.

Legal Considerations: As required by law, the proposed budget will be published with appropriated balances. State statutes require formal public hearings prior to approval of the annual operating budget and for budget amendments of published funds. The 2006 Budget must be adopted by the City Council on August 9, and will be filed with the County Clerk by the statutory date of August 25.

Recommendation: It is recommended that the City Council set the public hearing on the proposed 2006 Budget (including the Tax Increment Financing Districts and the Self-Supporting Municipal Improvement District downtown) and the revised 2005 Budget for August 9, 2005; authorize publication of the formal public hearing notice; and approve first reading of the general budget, TIF district, and SSMID ordinances.

Agenda Item No. 21

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0694

TO: Mayor and City Council

SUBJECT: Proposed 2005-2014 Capital Improvement Program

INITIATED BY: Department of Finance

AGENDA: New Business

Recommendations: Approve 2005-2014 Capital Improvement Program.

Background: The proposed 2005-2014 Capital Improvement Program (CIP) was initially prepared by the CIP Administrative Committee and later improved as a result of Council workshop discussions and feedback from the District Advisory Boards. The proposed CIP has been presented to the Metropolitan Area Planning Commission (MAPC). As in years past, this proposal reflects revised revenue estimates, updated cost figures and continues the commitment to City Council and community priorities.

The proposed capital program responds to and anticipates community needs, uses City funds to maximize other revenue sources - particularly Federal and State grants - and maximizes the number and scope of capital investments in the City's infrastructure. Direct Council feedback

and public comment were crucial to the creation of this comprehensive program, including input from the District Advisory Boards (DABs).

Analysis: The proposed CIP totals more than \$1.8 billion over ten years. Major projects include the Kellogg freeway expansion; implementation of Neighborhood Plans; major infrastructure improvements such as new and reconstructed roadways, intersections, bridges and sidewalks; improvements to parks and public facilities; water and sewer system improvements; public transportation system and airport investments; and infrastructure to support residential development.

The proposed Capital Improvement Program is funded from many sources: the 10-mill property tax comprises 19% of resources (GO or at-large funding), Local Sales Tax (LST) revenues fund 13% of the capital program and enterprise revenues fund 32%. State and Federal funding, much of it leveraged with local matching funds, provides 22.5% of total resources. Special assessments and other sources (such as County and public-private partnerships) fund 14% and 3%, respectively.

Freeway construction schedules call for the completion of Kellogg interchanges at Woodlawn by 2005 and at Rock Road by 2007, as previously scheduled. Funding is included for partial design and right-of-way purchases for interchanges at Webb, Greenwich and K-96 on the east, and 119th, 135th and 151st on the west. Construction funding is included for a Floodway Bridge in 2010/2011. Previous State commitments are critical to the Kellogg/Rock project. Future funding assistance will be required to accelerate the construction schedule for future freeway segments.

Increased funding for drainage (storm water) projects is proposed in the 2005 – 2014 CIP. The Equivalent Residential Unit (ERU) fee is proposed to increase gradually from \$1.50 in 2005 to \$1.75 in 2006 and \$2.00 in 2007. The increased ERU will allow all currently identified critical drainage projects to be completed more quickly. In the future, the increased fee will allow additional, but not yet identified, drainage projects to be constructed.

It is proposed that the City Council authorize the 2005, 2006 and 2007 CIP as capital budgets, allowing design to commence on the scheduled projects and grant applications to be filed for project financial support.

Financial Considerations: The 2005 – 2014 Capital Improvement Program contains 398 projects totaling over \$1.8 billion. The proposed capital budgets by year are: 2005 - \$182 million, 2006 - \$228 million, and 2007 - \$194 million. The CIP is balanced as to revenues and expenditures.

Implementation of the proposed program is expected to allow the City to maintain its favorable general obligation bond ratings by Moody's and Standard & Poors.

Legal Considerations: As mandated by Ordinance 39-196, one-half of the revenue received from the City's portion of a one percent county wide sales tax is pledged for road, bridge, and highway projects, including right-of-way acquisition and project design and construction.

Recommendation/Actions: It is recommended that the City Council approve the 2005 – 2014 Capital Improvement Program and authorize initiation of projects scheduled for 2005, 2006 and

2007, with appropriate design solicitations and filing of applications for available State and Federal project support.

Agenda Item No. 22

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0695

TO: Mayor and City Council Members

SUBJECT: Improvement to the Intersection of 13th and Broadway (District VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the project.

Background: The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of 13th and Broadway. District VI Advisory Board sponsored a December 6, 2004, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project, subject to affected property owners having the opportunity to work with City staff on right-of-way acquisition.

Analysis: The project will provide left turn lanes at all four approaches to the intersection.

Financial Considerations: The estimated project cost is \$2,435,000 with \$1,460,000 paid by the City and \$975,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. A City/State agreement has been prepared for the administration of the project.

Legal Considerations: The Law Department has approved the authorizing Ordinance and City/State agreement as to legal form.

Recommendation/Action: It is recommended that the City Council approve the project, place the Ordinance on First Reading, and authorize the signing of State/Federal agreements as required.

Agenda Item No. 23

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0696

TO: Mayor and City Council

SUBJECT: Mid-Continent Sewage Treatment Plant (District IV)

INITIATED BY: Water & Sewer Department

AGENDA: New Business

Recommendation: Approve the design and construction of the Mid-Continent Sewage Treatment Plant and related infrastructure to collect and treat wastewater in southwest Wichita.

Background: The 2000 Sewer Master Plan recommends the construction of a new sewage treatment facility to serve the southwest portion of Wichita. The Water & Sewer Department, through the site selection process, has identified appropriate locations for the new plant. The required design and construction work throughout the service area are part of the project and are included in the CIP.

Analysis: Staff solicited Requests for Qualifications (RFQs) for engineering services to provide the following:

- Plant permitting and design
- Construction oversight
- Refinement of the 2000 Sewer Master Plan for the plant service area
- Evaluation of remote facility sludge handling processes
- Incorporation of sewage flows from the City of Goddard

Financial Considerations: The project for the design and construction of the Mid-Continent Sewage Treatment Plant and related infrastructure is included in the approved Capital Improvement Program (CIP S-546), Mid-Continent Sewage Treatment Plant. The project has a budget of \$23.5 million and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

Legal Considerations: The Resolution has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that City Council: 1) approve the project; 2) adopt the Resolution; and 3) authorize the necessary signatures.

Agenda Item No. 24

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0697

TO: Mayor and City Council

SUBJECT: CON2005-00011 – Conditional Use to permit a wrecking/salvage yard on property zoned “GI” General Industrial and located north of 29th Street North and west of Ohio (District VI).

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Deny, vote (8-5).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB VI Recommendations: Approve, subject to conditions, vote (3-1).

Background: The applicant is requesting a Conditional Use to permit a wrecking/salvage yard on a 16.5 acre platted tract located north of 29th Street North and west of Ohio. The subject property is zoned “GI” General Industrial, and a wrecking/salvage yard may be permitted by a Conditional Use in the “GI” district.

The applicant submitted the attached statement and site plan that describe and illustrate the proposed use of the subject property. The applicant indicates that the subject property will be used for processing and recycling metallic scrap materials. The materials primarily will be surplus industrial machinery that is too large to be sent directly to scrap metal buyers. The materials will be cut up and sorted for shipping via rail and truck to scrap metal buyers.

The surrounding area is characterized by heavy industry. All of the properties surrounding the subject property are zoned “GI” General Industrial. Most of the immediately surrounding property is undeveloped, except for soccer fields located to the north, a grain elevator located to the west, and an office/warehouse located to the southeast.

Analysis: At the DAB meeting on April 20, 2005, several surrounding property owners spoke in opposition to the request and cited concerns that the request was not in keeping with the character of the neighborhood, would be a visual blight on the area and should be located in area where salvage is already an established use. The DAB voted (3-1) to recommend approval of the request subject to the conditions and based on the findings stated in the staff report contained in the attached excerpt minutes. At the MAPC meeting on April 28, 2005, surrounding property owners again spoke in opposition to the requested, cited the same concerns as expressed at the DAB meeting and presented the attached photographs to support their claims. The MAPC voted (8-5) to deny the request. The MAPC based the denial on findings that area has undergone significant revitalization efforts which have resulted in significant new investment in high-quality industrial uses, and the proposed use is incompatible with these efforts and surrounding land uses and would negatively impact surrounding properties. The MAPC also found that the proposed use is inconsistent with the recently adopted 21st Street North Corridor Revitalization Plan, which indicates that the subject property is most appropriate for light industrial/flex use with high design/aesthetic requirements and is across the street from a special opportunity area that is intended to specifically exclude heavy industrial uses. On May 12, 2005, the applicant appealed the MAPC decision to deny the request; therefore, City Council consideration of the

request is required. Protest petitions from three surrounding properties have been received; however, the properties are located just outside the official protest area.

Financial Considerations: None.

Legal Considerations: At the MAPC hearing and in an attached letter, an attorney for one of the opposing property owners indicated that it is his opinion that the request cannot be approved unless the MAPC finds that the request will not adversely impact the character of the neighborhood. It is the opinion of the Law Department that the City Council has the authority to hear the appeal and to either approve or deny the request under the procedural requirements of the Unified Zoning Code.

Recommendation/Actions:

1. Adopt the findings of the MAPC and deny the Conditional Use request; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)

Agenda Item No. 25

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0698

TO: Mayor and City Council

SUBJECT: CON2005-00015 – Conditional Use to permit a wrecking/salvage yard on property zoned “GI” General Industrial and located north of 33rd Street North and west of St. Francis. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve, subject to staff recommendation, vote (6-5).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB VI Recommendations: Deny, vote (6-0).

Background: The applicant is requesting a Conditional Use to permit a wrecking/salvage yard on a 1.77 acre platted tract located north of 33rd Street North and west of St. Francis. The applicant is currently operating a wrecking/salvage yard on the subject property in violation of the regulations of the Unified Zoning Code. The subject property is zoned "GI" General Industrial, and a wrecking/salvage yard may be permitted by a Conditional Use in the "GI" district.

The applicant submitted significant documentation and a site plan that describe and illustrate the proposed use of the subject property. The applicant indicates that the subject property will be used for processing and recycling metallic scrap materials. The materials to be recycled will at times include farming equipment, aluminum tankers, and wrecked or junked semi trailers. The materials will be cut up or smashed into cubes and sorted for shipping to scrap metal buyers via truck and possibly rail.

The surrounding area is characterized by industrial uses. All of the properties surrounding the subject property are zoned "GI" General Industrial. Most of the immediately surrounding property is developed with office/warehouse type uses, with the exception of undeveloped land to the north, a drainage detention area to the east, and a vehicle repair business to the southwest.

Analysis: At the DAB meeting on May 18, 2005, surrounding property owners spoke in opposition to the request and cited concerns that the request was not in keeping with the character of the neighborhood, would be a visual blight on the area and should be located in area where salvage is already an established use. The DAB voted (6-0) to recommend that the request not be approved because it does not fit the character of the neighborhood. At the MAPC meeting on May 26, 2005, surrounding property owners again spoke in opposition to the request, cited the same concerns as expressed at the DAB meeting and presented the attached photographs and other documentation to support their claims. The MAPC voted (6-5) to approve of the request subject to the conditions stated in the attached resolution and based on the findings stated in the attached excerpt minutes. Written protest petitions have been received from property owners representing 92.48 percent of the land area within 200 feet of the subject property as well as from numerous other property owners that own land located more than 200 feet from the subject property. Since the area of land owned by protestors exceeds 20 percent of the land area within 200 feet of the subject property, the MAPC approval of the request is appealed to the City Council for final action and will require a three-fourths majority vote of the City Council (6 affirmative votes) to approve.

Financial Considerations: None.

Legal Considerations: The resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the Conditional Use request subject to the recommended conditions; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)

RESOLUTION No. _____

A RESOLUTION AUTHORIZING A CONDITIONAL USE FOR WRECKING/SALVAGE YARD ON 1.77 ACRES ZONED “GI” GENERAL INDUSTRIAL, LOCATED NORTH OF 33RD STREET NORTH AND WEST OF ST. FRANCIS IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to permit Wrecking/Salvage Yard on 1.77 acres zoned “GI” General Industrial legally described below:

Case No. CON2005-00015

A Conditional Use for wrecking/salvage yard on 1.77 acres zoned “GI” General Industrial described as:

Lots 27, 29, 31, & 33, Block 15, Original Town of North Wichita Addition, Wichita, Sedgwick County Kansas together with Lot 2, Block 3, Bridgeport Industrial Park I, Wichita, Sedgwick County, Kansas. Generally located north of 33rd Street North and west of St. Francis.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall authorize the operation of an wrecking/salvage yard for the processing and recycling of metallic scrap materials, including farming equipment, aluminum tankers, and wrecked or junked semi trailers. In no event shall the Conditional Use authorize an automobile wrecking/salvage yard or the storage or bailing of solid waste, scrap paper, rags or junk (excluding metallic scrap materials).
2. The subject property shall be entirely enclosed by a solid screening fence that is not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. The screening fence shall be a single, non-bright color. The screening fence shall be located south of the 35-foot building setback line along 34th Street North. Access gates are permitted in the screening fence at the points denoted on the approved site plan. The access gates shall provide solid screening, shall match the height and color of the screening fence, and shall have an automatic mechanism which keeps the gates closed except for when in use.
3. The 35-foot deep area between the screening fence and the street right-of-way shall be landscaped with turf grass and trees. Trees shall be planted at a rate of one and a half times that

required by the Landscape Ordinance for a landscape street yard. The landscaping shall be irrigated and shall be planted and maintained in general conformance with a landscape plan approved by the Planning Director.

4. An on-site parking area containing 13 parking spaces shall be provided and shall be paved with asphalt or concrete with a paved access drive provided to 34th Street North.

5. Except for the location of buildings, paved parking, and landscaped areas, an all-weather surface shall be installed on the subject property to prevent mud from being tracked off the property by vehicles.

6. Locking devices on access gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department. The required fire lanes shall be illustrated on the approved site plan.

7. The applicant shall submit a drainage plan designed to minimize non-point source contamination of surface and ground water for approval by the City Engineer and Environmental Services Department. The subject property shall be graded in accordance with said drainage plan.

8. A revised site plan addressing the conditions of approval shall be submitted for approval by the Planning Director, and the subject property shall be developed and operated in general conformance with the approved site plan.

9. Scrap materials shall not be visible from ground-level view from abutting properties or street right-of-way.

10. Scrap materials shall be piled and stored in an orderly manner with an exposed perimeter or in bins as specified by the Environmental Services Department to prevent rodent harborage and breeding.

11. The applicant shall maintain at all times an active program for the eradication and control of rodents.

12. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.

13. Access to the subject property shall be provided for on-going inspections of the site for groundwater and soil contaminants by the Environmental Services Department and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells and/or perform soil testing on the property to monitor the quality of groundwater and/or soil, and shall pay the cost of an annual groundwater and/or soil test for contaminants as designated by the Environmental Services Department.

14. Notification shall be given to the Environmental Services Department of any on-site storage of fuels, oils, chemicals, or hazardous materials. A disposal plan for fuels, oils, chemicals, or hazardous materials shall be placed on file with the Environmental Services

Department. All manifests for the disposal of fuels, oils, chemicals, or hazardous materials must be kept on file at the site and available for review by the Environmental Services Department.

15. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.

16. All conditions of approval shall be met no later than 180 days from the date of approval by the planning commission or governing body, as applicable.

17. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. 26

City of Wichita
City Council Meeting
July 19, 2005

Agenda Report No. 05-0699

TO: Mayor and City Council

SUBJECT: VAC2005-00002 Request to vacate platted street right-of-way located between Pennsylvania Avenue and Hydraulic Avenue. (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

Background: The applicant, USDA #259, is requesting vacation of a portion of 3rd Street. The 70-foot (x) 270.07-feet of right-of-way (ROW) intersects Pennsylvania Avenue on its west side and Hydraulic Avenue on its east side. The applicant owns the abutting northern and southern properties. The northern, unplatted tract contains Washington Elementary School. The abutting southern property, Lots 47 & 48, Mathewson's 4th Addition, is currently part of the school's parking lot and what was single-family use. There is a platted north-south alley that intersects the south side of 3rd Street. There is a sewer line and manholes in the alley. There are water lines in the 3rd Street ROW. Sewer lines and manholes appear to be out of the 3rd Street ROW. There are franchised utilities in the ROW. The ROW will be retained as a utility easement. This portion of the 3rd Street ROW was dedicated on the Mathewson's 4th Addition, which was recorded with the Register of Deeds August 2, 1886.

Analysis: The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: The applicant has provided a letter of credit providing for closure of the 3rd Street returns and continuation of curbing along its intersections of Hydraulic Avenue and Pennsylvania Avenue.

Legal Considerations: A certified copy of the Vacation Order, dedication of cross lot access and easement, and a restrictive covenant will be recorded with the Register of Deeds. Retain the east 30-feet (x) 70-feet of the 3rd Street ROW. Retain the vacated portion of 3rd Street as a utility easement. The bricks used to pave this portion of vacated 3rd Street will be returned to the City of Wichita's Public Works department.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.